

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.739 of 2014**

1. Tanveer Ansari, W/o Mohd. Nayeem Ansari, aged about 32 years,
 2. Aban Ansari, S/o Mohd. Nayeem Ansari, aged about 5 years, through his natural guardian mother Smt. Tanveer Ansari,
- Both R/o Behind of Church, Bairan Bazar, P.S. City Kotwali, Raipur, District Raipur, Chhattisgarh

---- Applicants**versus**

Nayeem Ansari, S/o Islak Ansari, aged about 38 years, R/o Near House of Balla Bhai, in front of Rajkumar College, Karbalapara, Raipur, District Raipur, Chhattisgarh, presently R/o H.No. B-6, c/o Parvej Khan, Chopda Colony, Mahaveer Nagar, Raipur, District Raipur, Chhattisgarh

--- Respondent

For Applicants	:	Ms. Fouzia Mirza, Advocate
For Respondent	:	Shri P.P. Sahu, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****4.4.2018**

1. With the consent of Learned Counsel appearing for the parties, the revision is heard and decided finally.
2. This revision has been preferred against the order dated 26.8.2014 passed by the Family Court, Raipur in Criminal M.J.C. No.382 of 2011, whereby the application under Section 125 of the Cr.P.C. for grant of maintenance, so far as it related to Applicant No.1/wife of the Respondent, has been dismissed, but the same has been partly allowed in favour of Applicant No.2/son of the Respondent granting him maintenance of Rs.1,500/- per month.
3. Facts, in brief, are that marriage between Applicant No.1 and the Respondent was solemnised on 19.10.2007 and out of their wedlock, Applicant No.2/son born in the year 2009. After the

marriage, the wife/Applicant No.1 was subjected to cruelty by the husband/Respondent and his relatives for demand of dowry and both the Applicants were thrown out of the house. The wife/Applicant No.1 lodged a report against the husband/Respondent. Since the Applicants are unable to maintain themselves, an application under Section 125 of the Cr.P.C. was filed by them. The Respondent denied all the averments made in the application and alleged that Applicant No.1/wife is employed as a teacher and is capable to earn her livelihood. She is forcibly residing in the house of the father of the Respondent. She has falsely implicated his relatives in the criminal case.

4. After taking evidence on record, the Family Court rejected the application under Section 125 of the Cr.P.C. so far as it related to Applicant No.1/wife on the ground that she is competent to earn her livelihood because she is employed as a teacher in a school, namely, Little Flower School and is getting salary of Rs.8,338/- per month. The said application under Section 125 of the Cr.P.C. so far as it related to Applicant No.2/son has been partly allowed. Hence, this revision by the Applicants.
5. Learned Counsel appearing for the Applicants submits that the Applicants do not want to press the impugned order so far as it relates to grant of maintenance. They want to press only the observation part of the impugned order made in paragraph 11 regarding divorce between Applicant No.1/wife and the Respondent/husband.
6. Learned Counsel appearing for the Respondent admits the fact that the proceeding under Section 125 of the Cr.P.C. is of summary

nature and, therefore, if in the said proceeding any observation regarding divorce between the wife and the husband is made by the Family Court, the same would not be binding upon the parties and the case of divorce between the parties, if any instituted, shall be decided on its own merits.

7. Since the Applicants do not want to press this revision so far as it relates to the amount of maintenance, the revision is disposed of with the above admission made on behalf of the parties.

Sd/-
(Arvind Singh Chandel)
Judge